



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/782,499      | 02/13/2001  | Suresh Subramonian   | 60602A              | 9936             |

109 7590 06/25/2003

THE DOW CHEMICAL COMPANY  
INTELLECTUAL PROPERTY SECTION  
P. O. BOX 1967  
MIDLAND, MI 48641-1967

EXAMINER

FOELAK, MORTON

ART UNIT

PAPER NUMBER

1711

DATE MAILED: 06/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/782,499

Applicant(s)

SUBRAMONIAN ET AL.

Examiner

Morton Foelak

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 9-23 is/are pending in the application.
- 4a) Of the above claim(s) 1 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10, 13. 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

**1. Claim 1 is again withdrawn from further consideration as not reading on the elected invention, the Requirement having been made FINAL in the last Office action. While applicants state that claim 1 has been converted to a product claim it is noted there are no instructions in the amendment making the change.**

**Claim Rejections - 35 USC § 102**

**2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

**A person shall be entitled to a patent unless –**

**(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.**

**3. Claims rejected under 35 U.S.C. 102(e) as being anticipated by either Chaudhary et al '232 or '120.**

**The applied references have a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the**

**r fer nc , it c nstitutes prior art und r 35 U.S.C. 102( ). This**  
**r jection under 35 U.S.C. 102(e) might be overcome either by a**  
**sh wing under 37 CFR 1.132 that any invention disclosed but not**  
**claimed in the reference was derived from the inventor of this**  
**application and is thus not the invention "by another," or by an**  
**appropriate showing under 37 CFR 1.131.**

**Any inquiry concerning this communication or earlier**  
**c mmunications from the examiner should be directed to Morton**  
**F lak whose telephone number is (703) 308-2442. The examiner can**  
**n rmally be reached on Monday thru Friday.**

**If attempts to reach the examiner by telephone are unsuccessful,**  
**th examiner's supervisor, James Seidleck can be reached on (703)**  
**308-2462. The fax phone numbers for the organization where this**  
**application or proceeding is assigned are (703) 872-9310 for regular**  
**c mmunications and (703) 872-9311 for After Final communications.**

**Any inquiry of a general nature or relating to the status of this**  
**application or proceeding should be directed to the receptionist wh s**  
**t l ph n number is (703) 308-0661.**

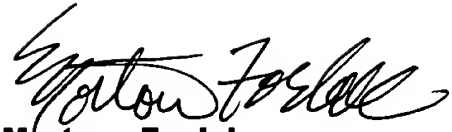
**Applicati n/C ntr l Number: 09/782,499**

**Page 4**

**Art Unit: 1711**

**M.F.**

**June 20, 2003**

A handwritten signature in black ink, appearing to read "Morton Foelak". The signature is fluid and cursive, with the first name "Morton" written in a larger, more prominent script than the last name "Foelak".

**Morton Foelak**

**Primary Examiner**

**Art Unit 1711**